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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,586	06/08/2000	William W. Holmes IV	U6220/53569/NWJ-gasket	1012

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EXAMINER
BURCH, MELODY M

ART UNIT	PAPER NUMBER
3683	

DATE MAILED: 11/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/590,586	HOLMES ET AL.
	Examiner	Art Unit
	Melody M. Burch	3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 October 2002* .

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-11 and 13-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-11 and 13-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 October 2002* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the male first pipe portion and the female second pipe portion claimed in claim 2 must be shown (and clearly labeled) and the limitation of a lip located at an inner diameter of the gland must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Examiner notes that the inner diameter of the gland is the area surrounding the threads of bolt 45. No lip has been shown in that area.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 13 is objected to because of the following informalities: "said spigot facing surface" in line 3 from the bottom should be changed to --said spigot-facing surface-- for consistency. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4, 5, 13, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claim 4. The phrase "a lip" in line 2 is indefinite. It is unclear to the Examiner whether the lip is in claim 4 is different or the same as that claimed in claim 2.

Re: claim 13. Claim 13 recites the limitation "said gland-facing area" in line 3 from the bottom. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

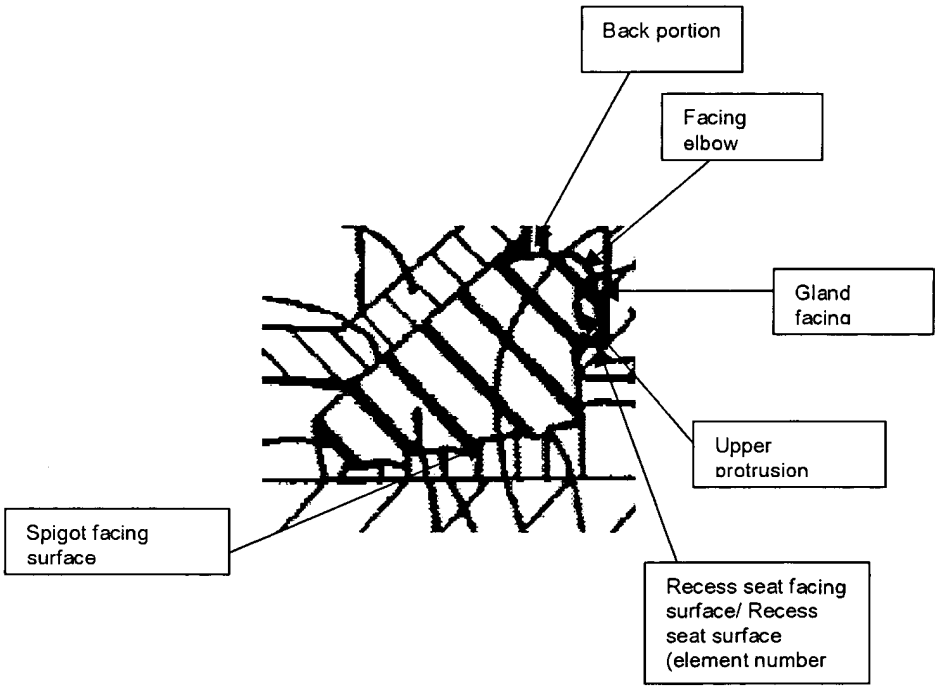
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 2-11 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5476292 to Harper.

Re: claims 2, 3, 11, and 16. Harper shows in figure 1 a pipe joint comprising a male first pipe portion 4, a female second pipe portion 2, a compression gland 6 having a lip 8 located at an inner diameter of the gland disposed at least partially within the second pipe portion, and a restraining gasket shown in the area of element number 10 within in the second pipe portion and between the first pipe portion and the second pipe portion, the gasket further comprising: a compressible body having a spigot-facing surface, a recess seat-facing surface and a gland-facing surface, and a locking member

10, the member having a tooth arranged in between two inwardly extending ridges 29 discussed in col. 4 lines 56-57 and a back portion at least partially embedded within the compressible body wherein at least a portion of the tooth is positioned to engage the first pipe portion wherein the locking member is adapted to pivot as shown in figures 3a and 3b in response to a force tending to separate the first pipe portion from the second pipe portion, and wherein the locking member is adapted to resist movement between the first pipe portion and the compression gland in the event of such force.



Re: claims 4-10. The various claimed areas of the locking member are shown as labeled by Examiner above.

Re: claim 13. Harper shows in figure 1 a gasket interchangeable with gaskets of standard mechanical pipe joints for securing the ends of intersected assembled pipe portions, the gasket comprising a compressible body adapted to encircle a spigot end of a first pipe length 4 and adapted to fit within a bell end of a second pipe length 2, the

gasket having a spigot facing surface, and a recess seat surface as labeled above, the compressible body having embedded therein a locking member 10 having a toothed edge shown in the area of the spigot facing surface, a gland meeting area shown in the area of the gland facing surface, and a recess seat meeting area shown in the area of the recess seat surface, the toothed edge disposed in proximity to the gland facing surface and the recess seat meeting area disposed in proximity to the recess seat surface.

Re: claims 14 and 15. Harper shows the gland facing surface or the recess-seat meeting area comprising a tooth shown in the area of the labeled upper protrusion.

Response to Arguments

7. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents: 6168210 to Bird, 6173993 to Shumard et al., and 5150929 to Greatorex teach the use of mechanical pipe joints having pivoting locking members.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mmb 11/19/02
mmb
November 19, 2002

11/21/02
MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310